

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGEL PEREZ-MARTINEZ,)	
)	CASE NO. C14-1123-RAJ-MAT
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
ERIC H. HOLDER,)	
)	
Respondent.)	
)	
_____)	

Petitioner has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. At the time he filed his petition, petitioner was detained at the Northwest Detention Center under a reinstated order of removal. In his petition, he argues that the original order of removal—and thus the reinstatement of that removal order—was obtained without due process of law. (*See* Dkt. 5.) He alleges that the provisions governing reinstatement of removal orders violate due process. (*See id.*) He further contends that he should be afforded a bond hearing. (*See id.*)

After filing his petition, petitioner was removed to Mexico. (Dkt. 11, Ex. A.) Consequently, respondent has moved to dismiss the petition as moot. (*See* Dkt. 11.)

01 Under Article III of the U.S. Constitution, federal courts may adjudicate only actual,
02 ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). Where the
03 court can no longer grant effective relief, it lacks jurisdiction and must dismiss the case as moot.
04 *See, e.g., Cox v. McCarthy*, 829 F.2d 800, 805 (9th Cir. 1987); *Enrico's, Inc. v. Rice*, 730 F.2d
05 1250, 1254 (9th Cir. 1984). A petitioner's removal after filing a habeas petition does not
06 render the petitioner's claims moot if there is some remaining "collateral consequence" that
07 may be redressed by success on the petition. *Abdala v. Immigration & Naturalization Serv.*,
08 488 F.3d 1061, 1063-64 (9th Cir. 2007).

09 In this case, petitioner's removal rendered his claims moot because there is no
10 "collateral consequence" that may be redressed by success on the petition. The Court lacks
11 jurisdiction over petitioner's claims related to his original order of removal, reinstatement of
12 that order, and the provisions governing reinstatement of removal orders generally. *See*
13 *Martinez v. Napolitano*, 704 F.3d 620, 622-23 (9th Cir. 2012); 8 U.S.C. § 1252(a)(5) ("[A]
14 petition for review filed with an appropriate court of appeals in accordance with this section
15 shall be the sole and exclusive means for judicial review of an order of removal entered or
16 issued under any provision of this chapter."); 8 U.S.C. § 1252(g) ("Except as provided in this
17 section and notwithstanding any other provision of law, no court shall have jurisdiction to hear
18 any cause or claim by or on behalf of any alien arising from the decision or action by the
19 Attorney General to commence proceedings, adjudicate cases, or execute removal orders
20 against any alien under this chapter."); *Singh v. Gonzales*, 499 F.3d 969, 978 (9th Cir. 2007);
21 *Singh v. Holder*, 638 F.3d 1196, 1211 (9th Cir. 2011). In addition, a bond hearing is not an
22 appropriate remedy given that petitioner is no longer in custody.

01 Based on the foregoing, the Court recommends that respondent's motion to dismiss
02 (Dkt. 11) be GRANTED, petitioner's habeas petition (Dkt. 5) be DENIED as moot, and this
03 matter be DISMISSED without prejudice. A proposed order accompanies this Report and
04 Recommendation.

05 DATED this 29th day of September, 2014.

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07 Mary Alice Theiler
08 Chief United States Magistrate Judge
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